

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Jacob Bradley Demarais,

Defendant.

Case No. 1:21-cr-00130

ORDER GRANTING MOTION TO CONTINUE TRIAL

[¶1] THIS MATTER comes before the Court on a Motion to Continue Trial filed by the Defendant on August 11, 2021. Doc. No. 26. Trial is scheduled in this matter for August 17, 2021. This is the Defendant's **first** request for a continuance of trial.

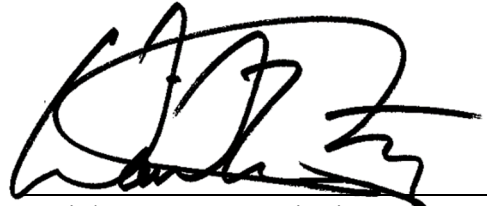
[¶2] As grounds for the request, Counsel for the Defendant asserts he was recently retained and he needs additional time to receive and review discovery, locate witnesses, complete the investigation, and prepare for trial. Counsel also states the Government needs additional time to provide discovery materials to the Defendant. Counsel requests a continuance of at least 90 days. The Defendant has signed a Waiver of Speedy Trial Rights. Doc. No. 27.

[¶3] Upon consideration, the Court finds there is good cause to continue the trial, and "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial" pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). Accordingly, the Court **GRANTS** the Defendant's Motion to Continue Trial.

[¶4] Trial in this matter shall be rescheduled for Tuesday, January 18, 2022, at 9:30 a.m. in Bismarck Courtroom 1 before the undersigned. A three (3) day trial is anticipated. All time that elapses from the date of this Order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B).

[¶5] **IT IS SO ORDERED.**

DATED August 12, 2021.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court